

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

02- R-0797

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

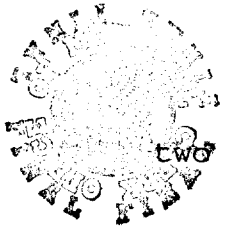
A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF *GENE C. JUSTICE V. ROGER L. DUKES, ET AL.*, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, CIVIL ACTION FILE NO. 1:99-CV-1648-CC, FOR THE AMOUNT OF \$75,000.00.

WHEREAS, *Gene C. Justice v. Roger L. Dukes, et al.* is a case in which the Plaintiff, Eugene Justice, is suing for personal injuries received when he was apprehended and arrested by former City of Atlanta Police Officer Roger L. Dukes, and for deprivation of his constitutionally and federally protected rights under 42.U.S.C. §1983; and

WHEREAS, the Plaintiff has alleged that he was subjected to unnecessary, unreasonable and excessive force, and that he was deprived of his rights secured by the Fourth and Fourteenth Amendments to the United States Constitution; and

WHEREAS, Plaintiff's apprehension and arrest occurred after he used profane language in the presence of Officer Dukes and three Fulton County Sheriff Deputies while performing his duties as a City of Atlanta Senior Parks Worker at a Jazz Festival at Piedmont Park; and

WHEREAS, Plaintiff Gene Justice, as a result of the physical struggle with Officer Dukes in the course of his arrest, suffered injuries to his back and shoulder, resulting in back surgery and



two surgeries on his left shoulder; and

Whereas, the parties have engaged in a settlement conference with the judge, who helped the parties evaluate their prospects and suggested that these types of cases generally result in a jury verdict for the plaintiff in the range of \$125,000 to \$200,000; and


WHEREAS, pursuant to 42 U.S.C. §1983 and §1988, if Plaintiff should be awarded compensatory damages, Officer Dukes would be required to pay reasonable costs and attorney's fees of the Plaintiff which would total more than sixty thousand dollars (\$60,000); and

WHEREAS, the Plaintiff is willing to settle all claims against Officer Dukes in this case for seventy-thousand dollars (\$75,000), an amount that includes all costs and attorney's fees; and

WHEREAS, the City Attorney recommends this settlement because it is in the best interests of the City;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**SECTION ONE:** That the City Attorney is hereby authorized to conclude the settlement of all claims of Gene C. Justice against former Officer Roger L. Dukes, as set forth in Civil Action File No. 1:99-CV-1648-CC, in the United States District Court, Northern District of Georgia, for the aggregate amount of seventy-five thousand dollars (\$75,000).



**SECTION TWO:** That the Chief Financial Officer is authorized to pay to Attorney John Hinton of Gambrell & Stolz, on behalf of Gene C. Justice, the sum of \$75,000 which shall be paid from Account No. 1A01-529017-**T31001**.

Change made by Ray English, Policy Analyst, May 14, 2002.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, OMC

ADOPTED by the Council  
APPROVED by the Mayor

MAY 20, 2002  
MAY 28, 2002

RCS# 3731  
5/20/02  
2:33 PM

Atlanta City Council

Regular Session

CONSENT I            PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE  
CONSENT AGENDA

02-R-0813	02-R-0753
02-R-0812	02-R-0754
02-R-0807	02-R-0755
02-R-0805	02-R-0756
02-R-0721	02-R-0757
02-R-0504	02-R-0758
02-R-0808	02-R-0759
02-R-0708	02-R-0760
02-R-0707	02-R-0761
02-R-0882	
02-R-0881	
02-R-0809	
02-R-0798	
02-R-0797	
02-R-0732	
02-R-0706	
02-R-0724	
02-R-0802	
02-R-0888	
02-R-0887	
02-R-0733	
02-R-0731	
02-R-0728	
02-R-0727	
02-O-0846	
02-O-0830	
02-O-0703	
02-O-0699	
02-O-0671	
02-O-0606	
02-O-0605	
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02-O-0601	
02-O-0488	
02-O-0836	
02-O-0845	
02-O-0844	
02-O-0843	
02-O-0835	
02-O-0834	
02-O-0603	
02-R-0735	
02-R-0752	

ITEMS ADVERSED ON THE  
CONSENT AGENDA

02-R-0762
02-R-0763
02-R-0764
02-R-0765
02-R-0766
02-R-0767
02-R-0768
02-R-0769
02-R-0770
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02-R-0790
02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796

02-R-0797

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APPROVED BY:

*Rebecca L. Bowers*  
INTERIM CITY ATTORNEY

ADOPTED BY

MAY 20 2002

COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

PSLA

Date

5-14-02

Chair

*[Signature]*

Action:

Fav Adv, Hold (see rev. side)

Other:

Members

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
MAY 20 2002

ATLANTA CITY COUNCIL PRESIDENT

*Calvin W. Woodard*

CERTIFIED  
MAY 20 2002

*[Signature]*  
CITY CLERK

MAYOR'S ACTION

MAY 28 2002

*[Signature]*

MAYOR